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INFO RUCNCIS/CIS COLLECTIVE 1811  
RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE  
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RUEHBJ/AMEMBASSY BEIJING 1177  
RUEHKO/AMEMBASSY TOKYO 1879  
RUEHUL/AMEMBASSY SEOUL 0838  
RUCNDT/USMISSION USUN NEW YORK 2414  
RUEHNO/USMISSION USNATO 2730  
RUEAIIA/CIA WASHDC  
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RUEKJCS/SECDEF WASHDC 1273  
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SUBJECT: KAZAKHSTAN: FOR THE HUMAN DIMENSION IMPLEMENTATION  
MEETING, MFA URGES FOCUS ON "DEMOCRATIC TRAJECTORY"

REF: STATE 78227

1. (U) Sensitive but unclassified. Not for public Internet.

2. (SBU) SUMMARY: On August 4, we met with Sayagul Konakbayeva, the head of the Office of Humanitarian Issues within the MFA's OSCE Directorate, to deliver reftel demarche on Kazakhstan's human rights and democracy performance in advance of the OSCE Human Dimension Implementation Meeting (HDIM). Konakbayeva was open to our views and candidly discussed Kazakhstan's human rights record. She said the government is committed to further democratic reforms, but urged us to focus on Kazakhstan's "democratic trajectory" rather than its "shortfalls." She argued that the concerns that the recently-passed Internet law will place undue limits on freedom of expression will not materialize once the law begins to be implemented. She asserted, however, that the government should have some control over the spread of information that could trigger mass violence "like the events in Urumqi." Konakbayeva said that the Kazakhstani government is currently studying international practices on libel penalties, with an eye on further amendments to Kazakhstan's media legislation. On freedom of religion, she acknowledged that, despite Kazakhstan's public commitment to religious tolerance, some "non-traditional" religious groups are continuing to encounter problems with local law enforcement authorities. END SUMMARY.

3. (SBU) On August 4, we met with Sayagul Konakbayeva, the head of the Office of Humanitarian Issues within the MFA's OSCE Directorate, to deliver reftel demarche on Kazakhstan's human rights and democracy performance in advance of the OSCE Human Dimension Implementation Meeting (HDIM). Konakbayeva said it was not yet determined who would lead Kazakhstan's delegation to the HDIM, but said it would be an official of "appropriate level." She noted that this HDIM is the last one before Kazakhstan assumes the OSCE chairmanship in 2010. She reiterated Kazakhstan's commitment to uphold the mandate of OSCE's Office of Democratic Institutions and Human Rights (ODIHR).

4. (SBU) Konakbayeva, who just recently became an office head but has been with the OSCE directorate for more than a year, was open and candid in discussing Kazakhstan's human rights record. On the question of further political liberalization, she told us the Madrid legislation "is not the end" of reforms and that the government is

committed to more "liberalizing changes." She stressed, however, that Kazakhstan's "specificities" must be taken into account, and she urged us to focus on Kazakhstan's "democratic trajectory" rather than its "shortfalls."

15. (SBU) Regarding the recently-adopted law on the Internet, Konakbayeva acknowledged that the law raised serious concerns among the international community, but asserted that "many of your worries will likely not materialize" once the legislation begins to be implemented. She drew a comparison to the death penalty, which is still legal under Kazakhstan's legislation, but has not been applied since President Nazarbayev ordered a moratorium over two years ago. "Implementation is sometimes more important than the letter of the law," she said. She asserted, however, that the government should have some control over the Internet to guard against the spread of information that could trigger mass violence, "like the recent events in Urumqi." In response, we stressed that ensuring free and unimpeded access to information on the Internet is one of the key commitments within the OSCE framework.

16. (SBU) On issues of media freedom, Konakbayeva told us that the Kazakhstani government "listens carefully" to the suggestions made by ODIHR on further improvements to Kazakhstan's media legislation, including regarding decriminalization of libel. She said the government is currently studying international practices on libel penalties with an eye to making further legislative changes. Regarding the case of Ramazan Yesergepov, the Editor-in-Chief of "Alma-Ata Info" newspaper currently on trial for allegedly revealing classified government information, Konakbayeva said that the Kazakhstani law on state secrets "is justifiably strict," but admitted that the six-year sentence sought by the Prosecutor General's Office "may be going too far."

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17. (SBU) Konakbayeva acknowledged that, despite Kazakhstan's public commitment to religious tolerance, some "non-traditional" religious groups are continuing to encounter problems with local law enforcement. She said that the local authorities are sometimes overzealous in pursuing cases against religions "foreign to Kazakhstan," but argued that each country has gone through its own "growing pains" on freedom of religion. Konakbayeva admitted that the case against Unification Church member Elizaveta Drenicheva "crossed the line," but noted that the appeals court vacated Drenicheva's prison sentence. On the pending cases against the Church of Scientology for alleged illegal business activities, Konakbayeva said that similar cases had been launched against the Church in several Western countries, including in the United States.

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